

To: Mike Delapa

From: Steve Scheiblauber

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Subject: Comments on Gap Analysis: Objectives, Etc. Accomplished by Federal MPAs, De-Facto MPAs, and Regulations in the CC Study Region.

Monterey Bay National Marine Sanctuary

The section describing this in the gap analysis does not address all the ways that the MBNMS substantially contributes to the goals and requirements of the Act.

Design Considerations

1. "Recognize relevant portions of existing State and Federal fishery management areas and regulations ..." The MBNMS thoroughly incorporated the importance of this when the Sanctuary was being designed and designated in 1992. The Designation Document and regulations both state that fishing is not an activity that will be subject to regulation or future regulations, as fisheries are already well managed by the State and Federal Council. Therefore, this design consideration is satisfied.
2. "To the extent possible, site MPAs to prevent further fishing effort shifts ..." This design consideration is not met by the MBNMS.
3. "Consider the near-shore Management Plan ..." This design consideration is not met.
4. "In evaluating the siting of MPAs, consideration shall include the needs and interests of all users". The MBNMS is a multi-use MPA seeking to balance the use of all users; therefore, this design consideration is satisfied.
5. "Consider how existing State and Federal programs address the goals and objectives of the MLPA ...". The MBNMS is a federal program that addresses the goals and objectives in many ways, such as water quality protection, research and monitoring, education, and the protection of the bottom habitat from such activities as drilling and dredging, and other disturbances.
6. "Site MPAs adjacent to terrestrial federal, state and county or city ..." There are some 30 marine research institutions that lie within the MBNMS.
7. "Site MPAs to facilitate use of volunteers ..." The Sanctuary, and also working in cooperation with a number of non-profit organizations, makes good use of volunteers for such things as storm water monitoring, fish counts, and public education.
8. "Site MPAs to take advantage of existing long-term monitoring studies". With approximately 30 marine science institutions now ringing Monterey Bay the Sanctuary is well situated to take advantage of numerous long-term monitoring studies.
9. "Design MPA boundaries that facilitate ease of public recognition ..." The boundaries of the Sanctuary were not designed with this in mind so this design consideration is not satisfied.

Implementation Considerations

Not applicable

Regional Objectives

Goal 1 through 5 - the Monterey Bay National Marine Sanctuary substantially contributes to all five of these objectives, not through any direct regulation of fishing activities, but rather, and as intended, through the development of its Water Quality Protection Program, Education Program, Habitat Protection Measures, by prohibiting alterations of the sea floor, including but not limited to oil and gas development, dredging, and mineral extraction.

Goal 2

Objective 1 – the Sanctuary is an enforcement agency that protects and enforces the Endangered Species Act, the Marine Mammal Protection Act, and oil pollution laws, as well as enforcing their own regulations. Therefore, the Sanctuary partially fulfills this objective.

Objectives 2 and 3 – the Sanctuary is not managing individual species so these objectives would not be met.

Goal 3

Objective 1 – the Sanctuary recognizes itself to be an MPA, so it certainly reaches this objective.

Objective 2 – because the Sanctuary is one giant MPA, many replicates of habitats exist; therefore, this objective is met. Additionally, the MBNMS is adjoined by 2 NMSs, so the combined habitats included is substantial.

Objective 3 – the Sanctuary is developing collaboratively scientific monitoring and research projects linked to the educational community and volunteer divers, therefore, this objective is met within the boundary of the Sanctuary.

Objective 4 – as the Sanctuary does not specifically target fishing regulations this objective would not be met.

Goal 4

Objective 1 and 2 – the Sanctuary includes all habitat types identified in the MLPA and SAT guidelines, so a level of protection exists.

Goal 5

Objective 1 – this objective is partially realized through the fact that the Sanctuary has a Management Plan (which it is in the process of updating). Included in the Management Plan are monitoring protocols.

Objective 2 – does not apply

Goal 6

Objective 1 – the ways in which the Monterey Bay National Marine Sanctuary meets the variety of design considerations and objectives certainly should be used and will be relevant to other MPAs as an effective component of a state-wide network. The

MBNMS is also committed to ecosystem–based management, so in this regard, it substantially contributes to the goals of the Act.

Essential Fish Habitat

Goal 1

Objective 1 - the protection from bottom trawling would contribute substantially to the realization of this objective.

Objective 3 – less fishing pressure means more and larger fish, so this objective is met.

Goal 2

Objective 1 – this objective is met by greatly reducing fishing pressure

Objective 2 – less fishing pressure means more larval sources and enhanced reproductive capacity, so this objective is also met.

Objective 3 – this objective is met perfectly by essential fish habitat that would allow for the harvest of highly mobile or other species and is essentially a State Marine Conservation Area.

Goal 3

Objective 2 – this would be met by way of analyzing the difference between trawl and non-trawl areas. The Essential Fish Habitat areas are large enough that replicate habitat exists.

Objective 3 – this objective can be met through Essential Fish Habitat designation if monitoring, etc. is applied.

Goal 4

Objective 2 – is met, in as much as the Essential Fish Habitat areas consist of many marine habitats across a range of depths.

Goal 5

Objective 1 – this goal can be met through Essential Fish Habitat if standardized socio-economic monitoring protocols are adopted and implemented.

Objective 3 - (socio-economic) as the ESH designation is limited to bottom trawl gear, this goal is met by allowing other fishing to continue, therefore minimizing socio-economic costs.

The Rockfish Conservation Area (year-round closed section)

The RCA includes habitat not otherwise realized in other California MPAs, including 8% of the soft bottom and 13% of the hard bottom habitat in the 100-200 meter depth range, and 4% of the soft bottom and 42% of the hard bottom habitat in the greater-than-200 meter depth range. It is designed to protect certain species of rockfish; however, the rules are broad enough that all species of rockfish are protected against fishing off the bottom.

Objectives

Goal 1

Objective 1: "Protect areas of high species diversity..."

This MPA protects not just targeted species, but those species associated and living in proximity with those; therefore, this objective is largely satisfied.

Objective 3: "Protect natural size and age structure..."

This MPA contributes substantially to this objective. Indeed, it is one of the objectives in creating the RCA.

Objective 4: "Protect natural trophic structure..."

This MPA only partially satisfies this objective.

Objective 5: "Protect ecosystem structure, function, integrity, and ecological processes..."

This MPA protects species living on the bottom from all extractive measures; therefore, this objective is largely met.

Goal 2

Objective 2: "Protect larval sources and enhance reproductive capacity..."

This MPA satisfies this objective. Moreover, since it is a long and continuous MPA running along the coast, it also largely satisfies any theoretical need for a network of MPAs based on larval transport. Any experiment desired to test this theory of larval transport could be tested by establishing monitoring stations from point to point within the RCA.

Goal 3

Objective 1: "Ensure some MPAs are close to population centers and research and education institutions..."

The RCA does not satisfy this objective.

Objective 2: "To enhance the likelihood of scientifically valid studies, replicate appropriate MPA designations, habitats or control areas..."

As was noted in the discussion of Goal 2, Objective 2, the RCA could be utilized for replicated study opportunities to test the theory of larval transport. Various habitats are replicated often in the RCA's run through study region.

Objective 3: "Develop collaborative scientific monitoring and research projects..."

This MPA is monitored for stock assessment purposes. It is unknown whether it is monitored in any other way, but it certainly could be.

Objective 4: "Protect or enhance recreational experience by ensuring natural size and age structure of marine populations..."

This MPA contributes to this objective by enhancing the stock of many species of rockfish, which benefits not just the RCA, but the region, and therefore benefits recreational fishing outside of the RCA.

Goal 4

Objective 1: "Include with MPAs the following habitat types..."

The RCA includes both the "heads of submarine canyons" and "upwelling centers."

Objective 2: "Protect and replicate, to the extent possible, representatives of all marine habitats..."

Numerous replicates exist within the RCA of deep-water rocky bottom habitats.

Goal 5

Objective 1: "For all MPAs in the region, develop objectives, a long-term monitoring plan that includes standardized biological and socioeconomic protocols..."

Where they do not currently exist, this MPA would lend itself to many monitoring and study opportunities.

Objective 2: "To the extent possible, effectively use scientific guidelines in the Master Plan Framework."

This MPA fits within the scientific guidelines of the Master Plan Framework.

Objective 3: "Minimize negative socioeconomic impacts and optimize positive socioeconomic impacts..."

This MPA did significantly hurt the commercial and recreational fishing industries.

Rockfish Conservation Zone (seasonal area) and other fishery regulations that substantially reduce take.

There are numerous other regulations that substantially help realize the goals and objectives of the MLPA; many of these have been placed on the books since 1999 and the passage of the MLPA. Some of the rules that would contribute to the goals and objectives include the "seasonal zone" of the RCA, regulations against taking the abalone south of San Francisco (which has created a de-facto abalone MPA), a far more restrictive rockfish season, a more restrictive salmon season, a prohibition against drift net fishing inside 12 miles (except for white sea bass), the weekend squid closure, and a precautionary management principal that if a data poor condition exists, a 50% reduction in catch will be mandated.

Goal 2

Objective 1: "Help protect or rebuild populations of rare, threatened, endangered, depleted, or overfished species, which are identified in the habitats and eco-system functions upon which they rely."

This is met through these closures or restrictions.

Objective 2: “Protect larval sources and enhance reproductive capacity of species most likely to benefit from MPAs through the retention of large mature individuals”

This met through existing regulations without the need for any additional MPAs. Reducing fishing pressure is equivalent to increasing the likelihood that large, mature fish will survive.

Goal 3

Objective 4: “Protect or enhance recreational experience by ensuring natural size and age structure of marine populations.”

This is also substantially met through the array of existing regulations without the need to create new MPAs.